

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:23-CR-287 HEA
)
)
JASON LEVI MEYRAND,)
)
Defendant.)

ORDER

This matter is before the Court on the Report and Recommendation of Magistrate Judge Shirley Padmore Mensah addressing Defendant's Motion to Dismiss Count 5, [Doc. No. 38]. In her May 8, 2025 Report and Recommendation, Judge Mensah recommended that Defendant's Motion be denied in part and deferred in part.

Defendant filed an objection to the Recommendation that Defendant's First Amendment challenge be denied. Defendant advises the Court that he does not take issue with Judge Mensah's narrow definition of "material," but objects to Judge Mensah's ultimate recommendation to deny Defendant's First Amendment challenge to preserve the record for appeal.

The Court has conducted a *de novo* review of those portions of the Report and Recommendation to which Defendant objects. See 28 U.S.C. 636(b)(1)(A). For the reasons set forth below, the objection is overruled, and the Court will adopt Judge Mensah's Report and Recommendation.

Judge Mensah carefully and fully considered Defendant's arguments and concluded that Section 2252A(a)(5)(B) does not violate the First Amendment in its reach and limitations. Defendant does not present any contrary authority to establish that the statute and the indictment in this case runs afoul of the First Amendment. Under the guidance of *United States v. Brune*, 767 F.3d 1009, 1020 (10th Cir. 2014), Judge Mensah concluded Defendant's First Amendment argument was not based on evidence or authority.

Accordingly,

IT IS HEREBY ORDERED that the Memorandum, Report and Recommendation of United States Magistrate Judge Shirley Padmore Mensah is **SUSTAINED, ADOPTED, and INCORPORATED** herein. [Doc. No. 89].

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss Count 5

of the Indictment, [Doc. No. 38] is denied in part and deferred in part.

Dated this 23rd day of June, 2025.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE